

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 5129 of 2020**

- Chhannulal Sahu S/o Hichha Ram Sahu, aged about 25 years, R/o Sivnikhurd, Police Station Arjuni, District Dhamtari (C.G.)

---- Petitioner**Versus**

- State Of Chhattisgarh Through – Station House Officer, Police of Police Station City Kotwali, Dhamtari, District Dhamtari (C.G.)

---- Respondent

For Applicant	:	Shri Anil Gulati, Advocate
For Respondent	:	Shri H.S. Ahluwalia, Dy. A.G.

Hon'ble Smt Justice Rajani Dubey**Order on Board****17/09/2020**

1. The applicant has preferred this first bail application under Section 439 of the Code of Criminal Procedure for grant of regular bail as he is arrested in connection with Crime No.203/2020, registered at Police Station – City Kotwali, Dhamtari, District Dhamtari (C.G.) for the offence punishable under Sections 392 read with section 34 IPC.
2. The prosecution story, in brief, is that the applicant along with other co-accused snatched the mobile of complainant and thereby committed theft. Based on this, offence has been registered. The present applicant has been taken into custody on 16.05.2020.
3. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the case. He further submits that the theft article i.e. mobile was seized from co-accused Satish Kumar Patel and the applicant has been implicated in the crime in question only the basis of memorandum statement of Satish Kumar Patel. He also submits that vide order dated 16.09.2020 passed in MCRC

No.5044/2020, this Hon'ble Court has been pleased to grant bail to the present applicant in connection with another crime number. It is next submitted that the present applicant is in custody since 16.05.2020, charge sheet has been filed and there is no likelihood of his case being decided in near future. Therefore, he may be released on bail.

4. On the other hand, learned counsel for the State opposed the bail application. Learned State counsel submits that the applicant and co-accused Satish Kumar Patel have been identified by the complainant in a Test Identification Parade.
5. I have heard learned counsel for the parties and perused the record.
6. Considering the totality of the facts and circumstances of the case, nature of offence, quality of evidence and further considering the fact that the applicant is in custody since 16.05.2020, charge sheet has been filed and the trial is likely to take some time, without further commenting on merits of the case, I am inclined to release the applicant on bail.
7. Accordingly, the bail application is allowed.
8. It is directed that the applicant shall be released on bail on his executing a personal bond for a sum of Rs.50,000/- with one solvent surety for the like amount to the satisfaction of the trial Court for his appearance before the said Court as and when directed, till the final disposal of the trial.

Certified copy, as per rules.

Sd/-
(Rajani Dubey)
Judge